IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : B. Roberts, et al.   Art Unit   : 2617
Serial No. : 10/028,038   Examiner : Pierre Louis Desir
Filed   : December 20, 2001   Conf. No. : 2951
Title   : LOCATION-BASED BOOKMARKS

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Commissioner for Patents
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<u>BRIEF ON APPEAL</u>

Applicant herewith files this brief on appeal under 37 CFR 41.37, thereby perfecting the Notice of Appeal, which was filed with the United States Patent and Trademark Office on December 11, 2006.

(1)   Real Party in Interest

Adobe Systems Incorporated, the assignee of the present application, is the real party in interest.

(2)   Related Appeals and Interferences

There are no related appeals or interferences.

(3)   Status of Claims

Claims 1-13 and 19-21 are pending and all pending claims are rejected. Claims 14-18 were cancelled. The rejection of claims 1-13 and 19-21 is appealed.

(4)   Status of Amendments

The claims have not been amended subsequent to the final rejection. There are no unentered amendments.

(5)   Summary of Claimed Subject Matter

Independent claim 1 relates to a method for recording and recalling data associated with a location. A location aware device is used to determine a current location (Specification, p. 4, lines 12-13). At a first time, a user-selected input is received relating to the current location (p.4,

lines 13-14). The user-selected input is captured at the current location in response to a user action by an input device integrated into or attached to the location aware device. A location bookmark for the current location is recorded using the location aware device (p.4, lines 14-15). The location bookmark has a bookmark location and bookmark content (p.4, lines 5-7). The bookmark location is the current location and the bookmark content is the received user-selected input (p.4, lines 11-12). The location bookmark is stored (p.4, lines 15-16). At a second later time, a location of the location aware device is detected as within a specified proximity to the bookmark location (p.4, lines 19-21). There is also a detection that a user-defined condition, other than that the location is within a specified proximity to the bookmark location, is satisfied by the user-selected input included in the bookmark content (Specification, p.8, lines 9-18). Please note that an inadvertent error is included in claim 1, at line 14, wherein it reads "input *comprising* the bookmark content". For consistency with the balance of the claim language and the specification, the word "comprising" should be replaced by the words "included in", *i.e.*, the "input included in the bookmark content". The applicant respectfully submits the claim ought to be construed with the intended meaning in mind.

In response to the detecting, the user of the location aware device is automatically notified of the location bookmark. The user-selected input included in the bookmark content is presented as part of the location bookmark though an output device of the location aware device, at a time after the first time (Specification, p.4, lines 19-27).

Independent claim 10 recites a device including a means for determining a current location of the device (p.6, lines 11-18, Fig. 3, location module 304). The device includes a means for, at a first time, capturing a user-selected input associated with the current location of the device (p.6, lines 30-33, p.7, lines 1-2, Fig. 3, Built-in input and output devices 310, device interfaces 320). The device includes a means for recording a location bookmark, location bookmark including a bookmark location including the current location and bookmark content including the captured user-selected input (Fig. 3, Bookmark program 302). A means for storing the location bookmark is further included in the device (p.7, lines 12-18, Fig. 3, Local bookmark store memory 330). The device further includes a means for, at a second later time, retrieving the location bookmark from storage in response to a determination that the device is close to the bookmark location and that a user-defined condition is satisfied by the user-selected input

included in the bookmark content (p.8, lines 13-22; Fig. 3, Bookmark program 302, Local bookmark store memory 330 and Communications interface 322). A means for determining the device is close to the bookmark location of a previously-stored location bookmark and that a user-defined condition is satisfied by the user-selected input is included, as well as a means for automatically notifying a user of the previously-stored location bookmark (p.8, lines 7-9 and 13-22; Fig. 3, Location module 304 and Device interfaces 320). The device further includes a means for, at a time after the first time, presenting the user-selected input included in the bookmark content as part of the location bookmark (p.8, lines 30-32; Fig. 3, Device interfaces 320 and Built-in input and output devices 310). In addition to the structure described in the specification and drawings at the locations indicated above, structure corresponding to the claimed functions is describe at p.9, lines 13 to p.10, line 16).

Dependent claims 2 and 11 recite that the current location is determined using a global positioning system receiver, using an inertial navigation system or receiving a wireless data transmission indicating the current location transmitted by a server in a cellular network that used a signal received by a cellular tower from the location aware device to determine a geographic location of the location aware device based on the signal (Specification, p.6, lines 11-18). Dependent claims 3, 11, 19 and 20 recite that the user-selected input includes multimedia content captured at the current location, for example, using a digital camera, voice recorder or keypad (Specification, p. 5, lines 16-18 and p.6, lines 31-32). Dependent claims 4 and 11 recite that the bookmark content further includes descriptive content describing at least one of the following: the current location; the time of recording the location bookmark; the environmental conditions at the current location; or the multimedia content captured at the current location (Specification, p. 5, lines 18-23). Dependent claims 5 and 13 recite that the bookmark location and the bookmark content are stored in a searchable database as key-value pairs having user-defined keys and values.

Dependent claim 6 recites displaying a plurality of location bookmarks to a user, where the location bookmarks are grouped by bookmark location, by subject matter of the bookmark content, or chronologically by time of recording the location bookmarks (Specification, p.9, lines 1-3). Dependent claim 7 recites that recording a location bookmark for the current location includes recording at least one of the following: latitude and longitude of the current location, or

universal transverse Mercator coordinates of the current location (Specification, p.4, lines 28-29). Dependent claim 8 recites recording an elevation of the current location as part of the location bookmark (Specification, p.4, line 31). Dependent claim 9 recites that automatically notifying a user of the location aware device of the location bookmark includes emitting a signal from the location aware device detectable by the user, including an audio signal, visual signal or a mechanical signal including a vibration (Specification, p.8, lines 7-9).

(6)   Grounds of Rejection to be Reviewed on Appeal

Claims 1-13 and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,091,956 ("Hollenberg") in view of U.S. Patent Publication No. 2002/0035609-A1 ("Lessard").

(7)   Argument

Claims 1 and 10 are not properly rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg in view of Lessard.

<u>Claim 1</u>

Claim 1 recites a method for recording and recalling data associated with a location. Particularly, the claim reads as follows:

> A method for recording and recalling data associated with a location, the method comprising:
> using a location aware device to determine a current location;
> receiving at a first time a user-selected input related to the current location, the user-selected input being captured at the current location in response to a user action by an input device integrated into or attached to the location aware device;
> recording a location bookmark for the current location using the location aware device, a location bookmark having a bookmark location and bookmark content, the bookmark location comprising the current location and the bookmark content comprising the received user-selected input;
> storing the location bookmark;
> detecting at a second later time that a location of the location aware device is within a specified proximity to the bookmark location and that a user-defined

condition, other than that the location is within a specified proximity to the bookmark location, is satisfied by the user-selected input comprising the bookmark content and in response to the detecting automatically notifying a user of the location aware device of the location bookmark; and

   presenting the user-selected input included in the bookmark content as part of the location bookmark through an output device of the location aware device, at a time after the first time.

As set forth in the claim, a location bookmark includes a bookmark location and bookmark content. The bookmark content includes user-selected input received by the location aware device at a *first* time.

The fifth limitation of the claim is a detection step requiring that at a *second* later time two things are detected. First, there is a detection that a location of the location aware device is within a specified proximity to the bookmark location. Second, there is a detection that a user-defined condition is satisfied by the user-selected input comprising the bookmark content. The user-defined condition is something other than that the location is within a specified proximity to the bookmark location.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings" [MPEP, §2143]. Second, to establish a case of *prima facie* obviousness, "there must be a reasonable expectation of success". Third, "the prior art reference (or references when combined) must teach or suggest all the claim limitations" [MPEP, §2143].

The applicant respectfully submits that a *prima facie* case of obviousness has not been established by the Examiner for at least the reason that neither reference discloses the fifth limitation of claim 1. That is, the references, neither alone nor in combination disclose the following:

detecting at a second later time that a location of the location aware device is within a specified proximity to the bookmark location and that a user-defined condition, other than that the location is within a specified proximity to the bookmark location, is satisfied by the user-selected input comprising the bookmark content

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The Examiner relies on Hollenberg, at least in part, to disclose this limitation, stating that Hollenberg discloses that as a "user approaches a specific location, for example city "Deneba", a map including the location bookmark (graphical symbols) is displayed". That is, as the user approaches a location (*e.g.,* Deneba) a map is displayed to the user, the map including graphical symbols displayed thereon; the Examiner's position being that Hollenberg's graphical symbols are location bookmarks. Even if a graphical symbol is a location bookmark (which is not conceded by the applicant), the second element of the 5th limitation is not satisfied. That is, there is <u>no detection that a user-defined condition is satisfied by the user-selected input comprising the bookmark content</u>.

The detection step in the 5th limitation is <u>two-fold</u>: the first detection relates to the location of the location aware device and the bookmark location, and the second detection relates to a user-defined condition and the bookmark content. The applicant provides examples of user-defined conditions in the specification at page 8, lines 14-18. For example, the user-defined condition can require that a location bookmark only be retrieved if the bookmark content contains a certain type of multimedia content, *e.g.*, an image. As another example, the user-defined condition can require that a location bookmark only be retrieved if the bookmark content is about a restaurant. The above examples are merely illustrative and in no way limiting. The "Deneba" example referred to by the Examiner does not disclose a <u>detection that relates to a user-defined condition and the bookmark content</u>.

Hollenberg does disclose that user can initiate a "service-provided keyword search" (Col. 16, lines 24-32), however, this also does not satisfy the limitations of claim 1. Claim 1 requires that the location aware device have previously been at the bookmark location at a "first time", as the bookmark content (*i.e.*, the user-selected input) is captured <u>at the current location</u> and the location bookmark is recorded using the location aware device. The detection in the fifth limitation occurs at a "second later time", for example, upon the location-aware device returning to the bookmark location at a later time. Hollenberg describes providing "situation information services" to a user, but there is no requirement that the user's device has been at the location a first time and the "situation information" captured and recorded at said first time. Lessard also does not disclose such a detection step occurring at a "second later time".

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In the final office action the Examiner provides a response to arguments presented by the applicant in the response to the previous office action. However, even in the Examiner's response to arguments he fails to show where in either Hollenberg or Lessard there is a disclosure of the second detection that relates to a user-defined condition and the bookmark content. That is, the claim requires detecting at a second later time that a user-defined condition is satisfied by the bookmark content (where the user-defined condition is other than that the location is within a specified proximity to the bookmark location). There is no such detection step disclosed in either Hollenberg or Lessard. Accordingly, the limitations of claim 1 are not disclosed and a *prima facie* case of obviousness has not been established.

Claim 1 is therefore allowable over Hollenberg in view of Lessard.

Claim 10

Claim 10 recites a device that includes, amongst other things, a means for retrieving, at a second later time, a location bookmark from storage in response to a determination that the device is close to the bookmark location and that a user-defined condition is satisfied by the user-selected input comprising the bookmark content. The user-defined condition is something other than that the location is within the specified proximity to the bookmark location. For at least the reasons stated above in reference to claim 1, Hollenberg in view of Lessard fails to disclose this limitation of claim 10. There is no disclosure in the references of a two-fold determination, where, at a "second later time", a first determination is made as to the proximity of the device to a bookmark location and a second determination is made as to the bookmark content of the corresponding location bookmark satisfying a user-defined condition. Accordingly, a *prima facie* case of obviousness has not been established and claim 10 is allowable over Hollenberg in view of Lessard.

All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

A dependent claim is neither anticipated nor rendered obvious if the independent claim upon which it depends is allowable, because all the limitations of the independent claim are contained in the dependent claims (see *Hartness Int'l Inc.* v. *Simplimatic Eng'g Co.*, 819 F.2d at

1100, 1108 (Fed. Cir. 1987)). Claims 2-9, 11-13 and 19-21 are therefore in condition for allowance.

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Respectfully submitted,

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Appendix of Claims

1. A method for recording and recalling data associated with a location, the method comprising:

using a location aware device to determine a current location;

receiving at a first time a user-selected input related to the current location, the user-selected input being captured at the current location in response to a user action by an input device integrated into or attached to the location aware device;

recording a location bookmark for the current location using the location aware device, a location bookmark having a bookmark location and bookmark content, the bookmark location comprising the current location and the bookmark content comprising the received user-selected input;

storing the location bookmark;

detecting at a second later time that a location of the location aware device is within a specified proximity to the bookmark location and that a user-defined condition, other than that the location is within a specified proximity to the bookmark location, is satisfied by the user-selected input comprising the bookmark content and in response to the detecting automatically notifying a user of the location aware device of the location bookmark; and

presenting the user-selected input included in the bookmark content as part of the location bookmark through an output device of the location aware device, at a time after the first time.

2. The method of claim 1, wherein a current location is determined by:

using a global positioning system receiver;

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using an inertial navigation system; or

receiving a wireless data transmission indicating the current location transmitted by a

server in a cellular network that used a signal received by a cellular tower from the location

aware device to determine a geographic location of the location aware device based on the

signal.

3. The method of claim 1, wherein:

the user-selected input comprises multimedia content captured at the current location.

4. The method of claim 3, wherein:

bookmark content further comprises descriptive content describing at least one of the

following:

the current location;

the time of recording the location bookmark;

the environmental conditions at the current location; or

the multimedia content captured at the current location.

5. The method of claim 1, wherein:

the bookmark location and the bookmark content are stored in a searchable database as

key-value pairs having user-defined keys and values.

6. The method of claim 1, further comprising:

displaying a plurality of location bookmarks to a user, wherein the location bookmarks

are grouped:

by bookmark location;

by subject matter of the bookmark content; or

chronologically by time of recording the location bookmarks.

7. The method of claim 1, wherein recording a location bookmark for the current location comprises recording at least one of the following:

latitude and longitude of the current location; or

universal transverse Mercator coordinates of the current location.

8. The method of claim 7, further comprising recording an elevation of the current location as part of the location bookmark.

9. The method of claim 1, wherein automatically notifying a user of the location aware device of the location bookmark comprises emitting a signal from the location aware device detectable by the user, including an audio signal, visual signal or a mechanical signal including a vibration.

10. A device, comprising:

means for determining a current location of the device;

means for, at a first time, capturing a user-selected input associated with the current location of the device;

means for recording a location bookmark, a location bookmark including a bookmark location comprising the current location and bookmark content comprising the captured user-selected input;

means for storing the location bookmark;

means for, at a second later time, retrieving the location bookmark from storage in

response to a determination that the device is close to the bookmark location and that a user-

defined condition, other than that the location is within a specified proximity to the bookmark

location, is satisfied by the user-selected input comprising the bookmark content and;

means for determining that the device is close to the bookmark location of a

previously-stored location bookmark and that a user-defined condition is satisfied by the user-

selected input and automatically notifying a user of the device of the previously-stored location

bookmark; and

means for, at a time after the first time, presenting the user-selected input included in the

bookmark content as part of the location bookmark.

11. The device of claim 10, wherein:

the means for determining a current location comprise:

a receiver for receiving a wireless data transmission indicating the current

location transmitted by a server in a cellular network that used a signal received by a cellular

tower from the location aware device to determine a geographic location of the location aware

device based on the signal; or

a global positioning system receiver;

the means for capturing a user-selected input comprise a digital camera, voice recorder or

keypad;

the means for recording a location bookmark comprise a memory element incorporated in

the device;

the means for storing the location bookmark comprise a transmitter for transmitting the

bookmark to a remote server;

the means for retrieving the location bookmark comprise a receiver for receiving the

location bookmark from storage;

the means for determining that the device is close to the location of a previously-stored

location bookmark comprise a processor programmed to compare the current location of the

device with the bookmark locations of a set of previously-stored location bookmarks in reference

to user-defined radius of interest;

the means for determining that a user-defined condition is satisfied by the bookmark

content comprise a processor programmed to query the bookmark content of a set of

previously-stored location bookmarks in reference to a user-defined condition; and

user-selected input associated with the current location comprises multimedia content

captured at the current location and descriptive content about the current location, time of

capture, environmental conditions or the multimedia content.

12. The device of claim 11, wherein:

the memory element is a volatile semiconductor memory or a non-volatile semiconductor

memory or a microdisk.

13. The device of claim 10, wherein:

the bookmark location and bookmark content are stored in a searchable database as

key-value pairs having user-defined keys and value.

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19.   The method of claim 1, wherein the user-selected input includes at least one of the

following: an audio input, a textual input or a digital image input.

20.   The device of claim 10, wherein means for capturing user-selected input comprise means

for capturing at least one of the following: audio input, textual input or digital image

input.

21.   The method of claim 1, wherein the user-defined condition satisfied by the bookmark

content comprises a condition satisfied by the user-selected input.

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Evidence Appendix

NONE.

Related Proceedings Appendix

NONE.